

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and the arguments set forth fully below. In the Final Office Action mailed June 29, 2006, claims 1-49 have been rejected. In response, the Applicants have submitted the following remarks and amended claims 1, 14, 20, 24, 36 and 42. Accordingly, claims 1-49 are still pending. Favorable reconsideration is respectfully requested in view of the amended claims and the remarks below.

Rejections Under 35 U.S.C. §103

Claims 1-49 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,009,511 to Mazar (hereinafter Mazar). Specifically, within the Office Action it is stated that Mazar suggests the possibility of some devices being able to communicate with each other providing reasoning for the Examiner to suggest that point to point communication is obvious in view of Mazar.

As discussed in Applicants' previous response, the Mazar reference teaches a repeater device for communications with an implantable medical device, wherein the devices 102, 104 and 106 can be implantable devices or external devices that may provide one or more functions such as sensing, data analysis, and therapy (Mazar, column 3, lines 54-58). While Mazar teaches devices 102, 104 that may be configured to communicate with each other and may even communicate with an interrogator/transmitter unit 108, they may not communicate with the remote peripheral device 109 or with the host 112, without utilizing the communication system 110. Mazar does not teach a system capable of transmitting data wirelessly point-to-point within a transmission range and switching to a network transmission when not in range. Furthermore, this feature of the present invention is not made obvious by Mazar.

In contrast to the teachings of Mazar, the system of the present invention teaches a monitoring system having an acquisition device that is configured to utilize a wireless transmitter that continuously transmits the acquired data to a receiving device that outputs such data to at least one local host. The system in the present invention transmits this data from the acquisition device to the receiving device in a point-to-point fashion when the

receiving device is in a transmission range, and is capable to transmit the data over a network when the receiving device is not within a transmission range. Point-to-point data transfer indicates that data is transferred directly from the acquisition module 72 to the host 34 where the host 34 is located in the vicinity of the acquisition module 72. Transferring data point-to-point is generally meant as not being transferred from an acquisition module 72 to a network 39 and then to a host 34 (present invention, page 7, lines 4-8). The Mazar reference explicitly teaches away from this type of operation, in that the Mazar references explicitly teaches a system that utilizes a network and does not have the capability of switching between a point-to-point and network transmission means.

The independent claim 1 is directed to a monitoring system comprising an acquisition device, the acquisition device comprising an input that is configured to receive data from plurality of sensors coupled to a patient and a wireless transmitter that continuously transmits data received by the input. The monitoring system also comprises a receiving device, the receiving device comprising a receiver that receives the data transmitted by the acquisition device and an output from the receiver that outputs the data to at least one local host, wherein the system transmits data from the data acquisition device to the receiving device point-to-point when the receiving device is within a transmission range, and further wherein the system transmits data from the data acquisition device to the receiving device through a network when the receiving device is not within the transmission range. As discussed above, it is not obvious in light of Mazar that such a system transmits data from the data acquisition device to the receiving device point-to-point is through a network depending on the range of the receiving device. For at least these reasons, the independent claim 1 is allowable over the teachings of Mazar.

Claims 2-13 are dependent upon the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Mazar. Accordingly, claims 2-13 are also allowable as being dependent upon an allowable base claim.

The Applicants respectfully submit that the amended independent claims 14, 20, 24 36 and 42 are allowable over the teachings of Mazar for the same reasons as discussed with

Application No. 10/668,569
Amendment Dated July 25, 2006
Reply to Final Office Action of June 29, 2006

respect to the independent claim 1. Accordingly, the independent claims 14, 20, 24, 36 and 42 are also allowable over Mazar.

Claims 15-19, 21-23, 25-35, 37-41 and 43-49 are dependent upon the independent claims 14, 20, 24, 36 and 42. As discussed above, the independent claims 14, 20, 24, 26 and 42 are allowable over the teachings of Mazar. Accordingly, claims 15-19, 21-23, 25-35, 37-41 and 43-49 are also allowable as being dependent upon an allowable base claim.

For these reasons, Applicants respectfully submit that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By 
Christopher M. Scherer
Reg. No. 50,655

Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, Wisconsin 53202
Telephone: (414) 271-7590
Facsimile: (414) 271-5770